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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,586	01/29/2004	Timo K. Miettinen	042933/272475	7420
826	7590	05/19/2006		
EXAMINER				
PHUONG, DAI				
ART UNIT		PAPER NUMBER		
		2617		

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/767,586	MIETTINEN, TIMO K.
	Examiner Dai A. Phuong	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 March 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 31-13-2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-23 are currently pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9-12 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda (Pub. No: 20020116268).

Regarding claim 1, Fukuda discloses a terminal 12 for interacting with a service provider 15 for accessing a remote service (fig. 1, [0032] to [0036]), the terminal comprising: a controller 45 and/or 51 capable of actively operating an application, wherein the controller is capable of receiving information from a RF transponder tag 11 and/or 16 or a device adapter to operate as a RF transponder tag at least partially over an air interface (fig. 1 and fig. 2, [0032] to [0087]), wherein the information includes information relating to a service type representing a service offered by the service provider (fig. 1 and fig. 2, [0032] to [0087]), wherein the controller 45 and/or 51 is capable of contacting the service provider 15, for accessing the service, and thereafter performing a predefined action based upon the information relating to the service type, the application actively operating on the terminal and a state of the application (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 2, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses a terminal wherein the controller is capable of performing a predefined action by receiving data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 3, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses a terminal wherein the controller is capable of performing a predefined action by sending data to the service when the terminal is actively operating an application in a state of presenting data (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 4, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses the terminal information relating to the service type includes a service locator representing a location of the service represented by the service type, and wherein the controller is capable of accessing the service based upon the service locator (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 13-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (Pub. No: 20020116268) in view of Miyaji (Pub. No: 20050125561).

Regarding claim 5, Fukuda discloses all the limitations in claim 1. However, Fukuda does not disclose a terminal wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag

In the same field of endeavor, Miyaji discloses a terminal according to claim 1, wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag ([0043]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Fukuda by specifically including terminal wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag, as taught by Miyaji, the motivation being in

order to transmit the application to the plurality of communication devices via the local-area communications network from the single communication device having received transmission of the application.

Regarding claim 6, the combination of Fukuda and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is capable of sending an interrogation signal to the RFID transponder tag, and wherein the controller is capable of receiving information from the RFID transponder tag in response to the interrogation signal (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 7, the combination of Fukuda and Miyaji disclose all the limitations in claim 5. Further, Fukuda discloses the terminal wherein the controller is capable of sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also capable of receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 8, the combination of Fukuda and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is capable of selecting a signaling tag by passing the terminal within a predefined distance of a signaling tag ([0047]). Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

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Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 7.

### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos Feliciano Eliseo can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2617  
Date: 05-11-2006

  
ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER